

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LBB CORPORATION d/b/a SPUNK VIDEO,
Plaintiff,
v.
LUCAS DISTRIBUTION, INC., et al.
Defendants.

08-CV-4320 (SAS)

**NOTICE OF MOTION
TO DISMISS FIRST
CLAIM FOR RELIEF**

PLEASE TAKE NOTICE THAT, upon the accompanying Memorandum of Law and upon all other proceedings herein, defendants Lucas Distribution, Inc., Lucas Entertainment, Inc., Lucas Productions, Inc. and Michael Lucas (collectively, "Defendants"), by their undersigned attorneys Cowan, DeBaets, Abrahams & Sheppard LLP, will move this Court before the Honorable Shira A. Scheindlin, U.S.D.J., at Courtroom 15C, United States Courthouse, 500 Pearl Street, New York, New York on Friday June 27, 2008, at 9:30 a.m., or as soon thereafter as counsel may be heard, for an order dismissing the first claim for relief against them in this action pursuant to Fed. R. Civ. P. 12(b)(6) failure to state a claim on which relief can be granted. The reasons for said motion are set forth more fully in the accompanying Memorandum of Law.

In accordance with the Court's Individual Rules and Procedures, moving counsel hereby certifies that prior to bringing this motion the parties exchanged letters concerning the arguments herein. Defendants hereby request oral argument.

PLEASE TAKE FURTHER NOTICE that opposition papers, if any, must be served by June 16, 2008 and reply papers served by June 23, 2008.

Dated: New York, New York
June 2, 2008

Respectfully submitted,

s/ Mason A. Weisz
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